



## CITY OF SAN JOSÉ, CALIFORNIA

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### **SAN JOSÉ ELECTIONS COMMISSION**

Thomas Mertens, Chair  
Fred de Funiak, Vice Chair  
Jang Badhesha  
Michael Smith

### **SAN JOSÉ ELECTIONS COMMISSION MEETING MINUTES May 23, 2007**

#### **I CALL TO ORDER**

The Members of the San José Elections Commission convened at 5:33 p.m. in Room W-242 of City Hall, 200 E. Santa Clara Street, San José, CA 95113.

**PRESENT:** COMMISSIONERS Badhesha, de Funiak, Smith and Mertens

**ABSENT:** COMMISSIONERS None

**STAFF PRESENT:** Senior Deputy City Attorney Norm Sato  
Senior Deputy City Attorney Lisa Herrick  
City Clerk Lee Price  
Deputy City Clerk Michelle Estabillo

#### **II APPROVAL OF MINUTES**

#### **III REPORT OF THE CHAIR**

Discussion was held on the recruitment for the Elections Commission attorney-representative vacancy. City Clerk Lee Price stated that the Rules and Open Government Committee approved staff's recommendation to adopt an ordinance amending San Jose Municipal Code to remove the attorney-at-law requirement and placed the matter on the June 5<sup>th</sup> City Council agenda. The Commission directed Staff to start the citizen-at-large recruitment.

#### IV HEARING ON COMPLAINT

There was none.

#### VI DISCUSSION ITEMS

- A. Subcommittee Report and discussion regarding the Request for Qualifications for Audit and Legal Consultants to assist the San Jose Elections Commission

Document Filed: Request for Qualifications (RFQ) Elections Audit Consultant – San Jose Elections Commission

Commissioners Badhesha and Smith reported that the subcommittee met with Senior Deputy City Attorneys Norm Sato and Lisa Herrick on the Request for Qualifications (RFQ) for the Audit Consultant and provided a draft of the RFQ. Commissioner Badhesha stated that there was a slight change in the scope of the RFQ and that the RFQ will be amended to reflect that change. Discussion was held on the timeline for accepting proposals and the Commission agreed to change the deadline from July 13, 2007 to July 9, 2007, to allow the Commission time to review submissions at its July 11, 2007 meeting.

The Commission agreed not to move forward with the Legal Consultant RFQ at this time, but authorized the City Clerk to advertise the Legal Consultant RFQ when the Commission deems appropriate (September 2007 or later depending upon the audit).

- B. Summary of proposals by the Sunshine Reform Task Force relative to public meetings by quasi-judicial bodies

Document Filed: PowerPoint presentation entitled *Sunshine Reform Task Force: Phase 1 Recommendations*

Senior Deputy City Attorney Lisa Herrick provided a presentation on the Sunshine Reform Task Force Phase 1 Recommendations and answered questions.

- C. Continued discussion regarding City Council Referrals to the Elections Commission and Preliminary Discussion regarding the development of a work program to address referrals.

Document Filed: City of Los Angeles City Ethics Commission Job Descriptions

Discussion was held on the City Council Referrals to the Elections Commission and a subcommittee was formed (Mertens/de Funiak) to determine which referrals could be handled by the Commission and which referrals the Commission would need assistance with a consultant. The Commission agreed to put this item on the June agenda for further discussion.

D. Discussion of Request for Qualification for an Investigator

City Clerk Lee Price recommended that the Commission needed to issue a Request for Qualifications (RFQ) for the Investigator. The Commission authorized the City Clerk to issue the RFQ.

V PUBLIC COMMENT

There was none.

VI ADJOURNMENT

The meeting adjourned at 7:01 p.m.

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THOMAS M. (TOM) MERTENS, CHAIR

ATTEST:

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LEE PRICE, MMC  
CITY CLERK and SECRETARY TO THE COMMISSION